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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,586	12/05/2003	Mats Petter Pettersson	3782-0277P	7349
2292	7590	03/10/2006		
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
			EXAMINER FRANKLIN, JAMARA ALZAIDA	
			ART UNIT 2876	PAPER NUMBER

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/727,586	Applicant(s) PETTERSSON ET AL.	
	Examiner Jamara A. Franklin	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-27, 29-34, 36-41 and 43-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-6, 15-27, 29-34, 36-41, 43-49, 53, 55, 57, 59, 61 and 63 is/are allowed.
- 6) ☒ Claim(s) 7-14, 50-52, 54, 56, 58, 60, 62, 64 and 65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/14/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgment is made of the response filed on 12/30/05. Claims 2-27, 29-34, 36-41, and 43-68 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7-14, 50-52, 54, 56, 58, 60, 62, 64, and 65 are rejected under 35 U.S.C. 102(b) as being anticipated by Winterburn (US 4,835,544).

Winterburn teaches a product provided with a coding pattern and method for storing values in a machine readable format on a surface comprising: a grid formation comprising a first plurality of grid points; and a second plurality of marks, each grid point being assigned at least one mark and representing a value by way of the relative location of said at least one mark, wherein said value is given by a displacement of the center of gravity of the mark relative to the grid point (col. 1, lines 48-57);

the product wherein said value is given by a displacement of the center of gravity of the mark relative to the grid point (see figure 4);

the product wherein said value is given by a displacement of the center of gravity of the mark in one of a number of predetermined directions from the grid point (see figure 4);

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the product wherein said predetermined directions coincide with grid lines of the grid formation;

the product wherein said displacement is essentially equal for all marks;

the product wherein said displacement is $\frac{1}{4}$ to $\frac{1}{8}$ of the distance between the grid points;

the product wherein the effective diameter of each assigned mark is about 50% to about 240% of the displacement of the mark relative to the grid point;

the product wherein all the marks have an essentially identical appearance; and

the product wherein the marks are approximately circular, triangular or rectangular.

Allowable Subject Matter

3. Claims 2-6, 15-27, 29-34, 36-41, 43-49, 53, 55, 57, 59, 61, and 63 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or fairly suggest, a method for determining a set of data values based on a number of marks in a subset of a coding pattern which includes:

detecting grid point in the subset;

detecting the marks in the subset; and

associating each detected mark with one of the detected grid points; and

a product provided with a coding pattern which includes: a grid formation including a first plurality of grid points; wherein first and second combinations of the grid points code a first and a second position, respectively in at least one direction on the product, the second combination containing a portion of the grid points of the first combination; and

a product provided with a coding pattern which includes a grid formation including.

Response to Arguments

5. Applicant's arguments with respect to the rejection of claims 2-6, 15-27, 29-34, 36-41, 43-49, 53, 55, 57, 59, 61, and 63 have been fully considered and are persuasive. The rejection of the aforementioned claims has been withdrawn.

6. Applicant's arguments have been fully considered but they are not persuasive. The examiner submits that each of the marks/dots of the Winterburn invention is given a value, a value that is so given because the mark is displaced from the center of gravity.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

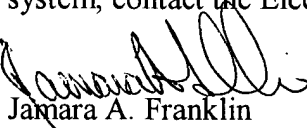
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is (571) 272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jamara A. Franklin
Examiner
Art Unit 2876

JAF
March 3, 2006

DANIEL STCYR
PRIMARY EXAMINER

